

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6302		Date: April 27, 2010
Department: Public Works	Attachments: Ordinance No 6302, Exhibit A, Staff Report and Petition for Vacation of ROW	Budget Impact: \$ 0
Administrative Recommendation: City Council introduce and adopt Ordinance No. 6302.		
Background Summary: The City of Auburn has determined that the right-of-way in the vicinity of 18 th Street NE between I Street NE and M Street NE is no longer needed to meet the needs of the City and should be vacated. Ordinance No. 6302, if adopted by City Council, vacates the right-of-way subject to the conditions as outlined in the ordinance and staff report.		
W0503-8 O3.9 V3-09		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing ____/____/____ Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		
Councilmember: Wagner		Staff: Dowdy
Meeting Date: : May 3, 2010		Item Number: VIII.A.2

ORDINANCE NO. 6302

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, VACATING RIGHT-OF-WAY IN THE VICINITY OF 18TH STREET NE BETWEEN I STREET NE AND M STREET NE WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington, has received a petition by not less than two-thirds (2/3) of the owners of property adjacent to right-of-way in the vicinity of 18th Street NE between I Street NE and M Street NE and adjacent to Parcel No. 0001000083, within the City of Auburn, Washington, requesting vacation of the same; and,

WHEREAS, the City Council of the City of Auburn, Washington, has, after a review of its needs for streets and right-of-ways in the vicinity of 18th Street NE between I Street NE and M Street NE and adjacent to Parcel No. 0001000083, within the City of Auburn, Washington, determined that consideration should be given to the vacation of the same; and,

WHEREAS, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; and,

WHEREAS, the City Council of the City of Auburn, Washington, has considered all matters presented at the public hearing on the proposed vacation, held on the 3rd day of May, 2010, at the Auburn City Council Chambers in Auburn, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. Vacation. That the right of way located in the vicinity of 18th

Street NE between I Street NE and M Street NE and adjacent to Parcel No. 0001000083, located within the City of Auburn, Washington, legally described as follows:

THE EAST 25 FEET OF THE SOUTH 147.64 FEET OF THE NORTH 172.64 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTH HALF OF WILLIAM H. BRANNON DONATION LAND CLAIM NO. 37 IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID DONATION LAND CLAIM WHICH IS 1485 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE EAST PARALLEL WITH THE SOUTH LINE THEREOF, 625.44 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST 814.95 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID DONATION LAND CLAIM 353.84 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID DONATION CLAIM 828.47 FEET; THENCE SOUTHEASTERLY 354 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 3, 679 SQUARE FEET, 0.08 ACRES.

and as shown on the survey, a copy of which is attached hereto, marked Exhibit "A" and incorporated herein by this reference, the same is hereby vacated and the property lying in said portion of right-of-way described hereinabove, shall be returned and belong to those persons entitled to receive the property in accordance with the law, conditioned upon the following;

A. Payment to the City of Auburn, shall be made by the owner or owners of property adjacent thereto and to be benefited by the vacation, in the total amount of Seventy-Three Thousand Five Hundred and Eighty (\$73,580.00) dollars, which amount

corresponds to the full appraised amount submitted to the City by the applicant.

B. This vacation shall be effective upon completion of said provisions in paragraph A. within one-hundred and eighty (180) days of the date hereof and that this Ordinance shall be in full force and effect five (5) days after publication is required by law. If the above described provisions are not completed within the time period provided above, this Ordinance shall be null and void.

Section 2. Constitutionality or Invalidity. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. Implementation. The mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this location.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days from and after passage, approval, and publication as provided by law.

Section 5. Recordation. The City Clerk is directed to record this Ordinance with the office of the King County Auditor.

INTRODUCED: _____

PASSED: _____

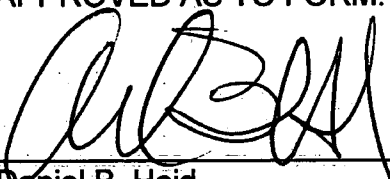
APPROVED: _____

PETER B. LEWIS, MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

PUBLISHED: _____

RIGHT-OF-WAY VACATION EXHIBIT A

NE⁴ SECTION 7, TOWNSHIP 21 N, RANGE 5 E, W.M.
CITY OF AUBURN, KING COUNTY, WASHINGTON

MERIDIAN: MEADOW BROOKE ESTATES
VOL. 122, P. 83-84

 PROPOSED RIGHT-OF-WAY VACATION

BOUNDARY NOTE:

THIS IS NOT A BOUNDARY SURVEY. NO MONUMENTS WERE FOUND OR SET. ALL BOUNDARY AND RIGHT-OF-WAY INFORMATION SHOWN HEREON IS BASED ON DEEDS AND BEST AVAILABLE SURVEYS OF RECORD. ALL BEARINGS AND DISTANCES SHOWN HEREON SHOULD BE CONSIDERED APPROXIMATE ONLY.

REFERENCE SURVEYS:

PLAT OF MEADOW BROOKE ESTATES - VOL. 122, P. 83-84
RECORD OF SURVEY - VOL. 88, P. 268

LEGAL DESCRIPTION:

PARCEL NO. 0001000083 - KING COUNTY HOUSING AUTHORITY

THAT PORTION OF THE SOUTH HALF OF WILLIAM H. BRANNON DONATION LAND CLAIM NO. 37 IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

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EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUBURN FOR STREET PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NO. 6025231, RECORDS OF KING COUNTY, WASHINGTON.

LEGAL DESCRIPTION:

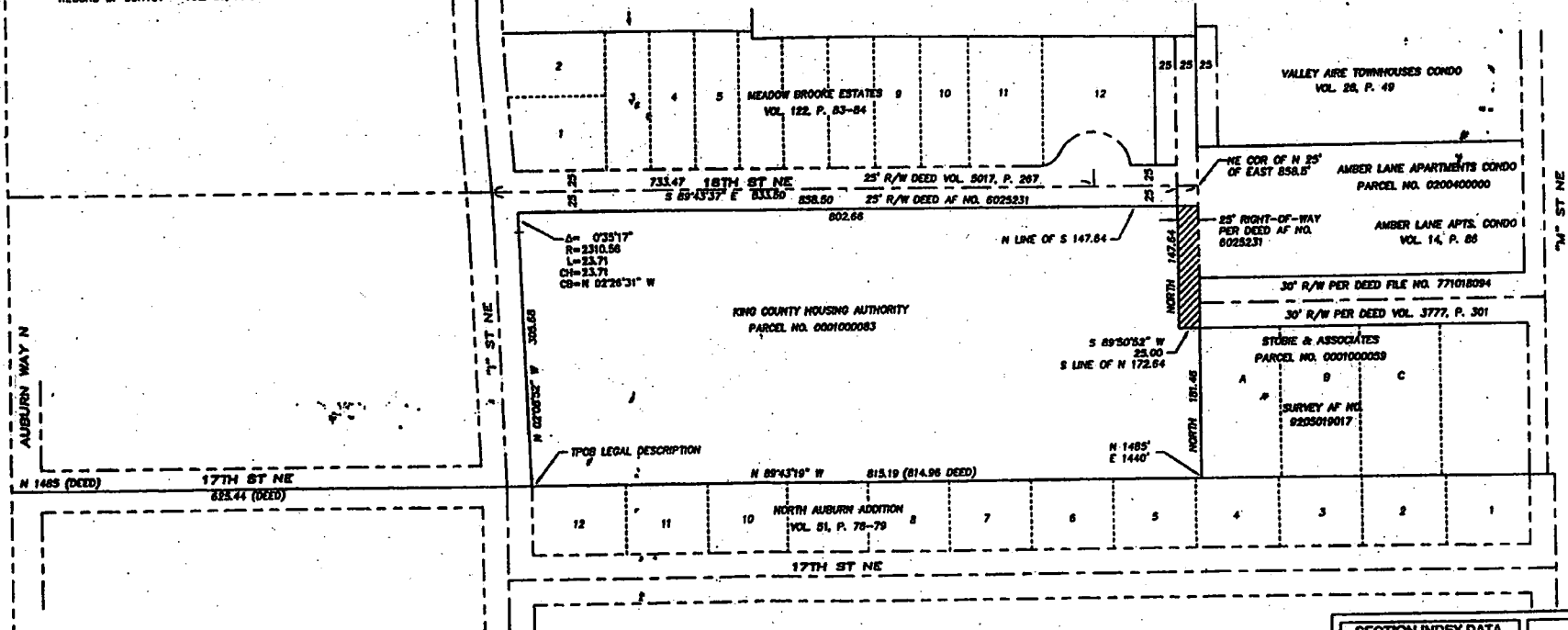
PROPOSED RIGHT-OF-WAY VACATION

THE EAST 25 FEET OF THE SOUTH 147.64 FEET OF THE NORTH 172.64 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

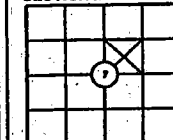
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CONTAINING 3,679 SQ. FT., 0.08 ACRES.



SECTION INDEX DATA



SEC. 7, TWP. 21N, RANG. 5E

JOB NO.: 409331
DWG NAME: S409033RW
DRAWN BY: JLS
CHECKED BY: JFC
DATE: 12/21/02

kpff CONSULTING ENGINEERS
4200 6TH AVENUE SE, SUITE 309
LACEY, WASHINGTON 98503
(360) 292-7230 FAX (360) 292-7231
Resolution No. 4582
Exhibit A

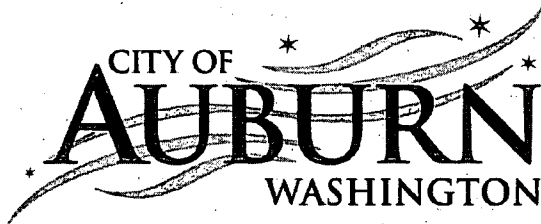
SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY
MADE BY ME OR UNDER MY DIRECTION AT THE
REQUEST OF KING COUNTY HOUSING
AUTHORITY, IN DEC., 2005.

THOMAS J. SWIFT CERTIFICATE NO. 88489



RIGHT-OF-WAY VACATION
EXHIBIT MAP
FOR:
KING COUNTY HOUSING AUTHORITY
SW NE 7 21N 5 E, W.M.
QTR-QTR QTR SECTION TWP. RANGE
KING COUNTY WASHINGTON

W0405-48



RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V3-09

Applicant: King County Housing Authority

Property Location: Right-of-Way in the vicinity of 18th Street NE between I Street NE and M Street NE.

Description of right-of-way:

This proposed area of vacation consists of unopened right-of-way that joins two portions of 18th Street NE between I St NE and M St NE. This portion of ROW is 3,691 square feet. It is bordered on the west and south sides by King County Housing Authority project known as Burndale Apartments, parcel number 0001000083. The east side is bordered by 18th St NE and Amber Lane Apartment Condo's, parcel number 0200400000. The north side is bordered by 18th St NE.

The ROW was initially dedicated to the City of Auburn from Mardel Investment Company, Incorporated through a Quit Claim Deed, recorded in Vol 4783 of Deeds Pg 590, King County Recording Number 6025231, and recorded on May 6, 1966, "for and in consideration of One and No/100 Dollars". This ROW came out of a larger parcel #0001000083 that was owned by Mardel Investment Company and is now known as the King County Housing Authority Burndale Apartments.

Proposal:

The Applicant proposes that the City vacate the above described right-of-way. The Applicant is planning a 2500 to 3000 square foot community building for the residents of the Burndale property to be located at the northeast corner of the property. The proposed vacation and subsequent acquisition of the adjacent right-of-way would allow the applicant to position the new community building farther from the existing housing units and possibly widen the building for a more efficient layout of the interior.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- This street vacation decreases the Right-of-Way maintenance obligation of the City.
- The vacated area will be subject to property taxes.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, Qwest, Verizon and city staff.

1. PSE – "Puget Sound Energy has reviewed the site and found no existing gas or electric facilities are located within the proposed vacate area as per the City's map and right-of-way description. Puget Sound Energy has no further matters of interest pertaining to the referenced portion of said ROW."
2. Qwest – No Comments.
3. Comcast – "Comcast does not appear to have any facilities in the proposed vacated area and should not be affected by the street vacation."
4. Verizon – No comments
5. Water – No comments
6. Sewer – No comments.
7. Storm – No comments
8. Transportation – The Right-of-Way is not needed for road purposes.
9. Building – No comments
10. Planning – No comments
11. Parks – No comments
12. Fire – No comments
13. Police – No comments
14. Streets – No comments
15. Information Services – No comments
16. General Review – Any future development or building over the vacated ROW will require that the developer/owner vacate all easements and relocate all affected utilities prior to construction.

Assessed Value:

ACC 12.48 states "The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city's expense."

RCW 35.79.030 states the vacation "shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated."

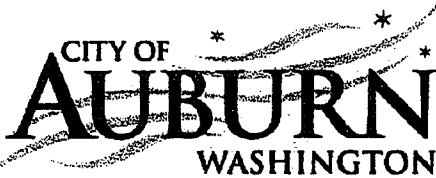
The right-of-way was acquired through a Quit Claim Deed, recorded in Vol 4783 of Deeds Pg 590, King County Recording Number 6025231, and recorded on May 6, 1966.

An appraisal of the subject right-of-way was conducted by a licensed appraiser and submitted to the city by the applicant. The full appraised value of the right-of-way was stated to be \$73,580.00. The

submitted appraisal stated that since the subject property only has one potential purchaser, it is residential land and has little value to any other purchaser that a plottage discount of 75%. This would give the right-of-way a value of \$18,395. However, it is these reasons that the right-of-way is more valuable to the potential purchaser and staff recommends compensation in the amount of the full appraised value of \$73,580.00.

Recommendation:

Staff recommends that compensation for the value of the right-of-way be required at the full "Gross Value of the Right of Way Vacation" in the amount of \$73,580.00 as stated in the Property Valuation Report submitted by the applicant.



PETITION FOR VACATION OF ROW
EXHIBIT A: **RECEIVED**

DEC 04 2009

CITY OF AUBURN
TRANSPORTATION SECTION

To the Honorable Mayor and
Members of the City Council
City of Auburn
25 W. Main Street
Auburn, WA 98001-4998

We, the undersigned, being owners of two-thirds or more of the real property abutting that portion of land designated as public right-of-way known as _____ and more particularly described as follows:

SEE EXHIBIT "B"

Do hereby petition your Honorable Body to vacate said portion of right-of-way hereinabove described.

Name	Address	Date
CATHY CHANCE <i>Cathy Chance</i> ^{PRESIDENT}	1811 M St NE AUBURN 98002	11-18-2009
Oris Slind <i>Oris Slind</i>	1819 M St. NE Auburn WA 98002	11/18/09
Melissa Morrath <i>Melissa Morrath</i>	1805 M St NE Auburn, WA 98002	11.18.09
Kyange Cook <i>Kyange Cook</i>	1801 M St NE Auburn, WA 98002	11/18/09

APPLICATION NO.: _____

FEE: \$750.00

T.R.# _____